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April 29 2008

Therefore, a copy of the above-noted Petition is filed herewith and prompt attention to this Petition is required, because this Petition will not stay the period for responding to the final Office Action mailed March 21, 2008. MPEP 1002. As discussed in the attached Petition, several serious procedural errors have been made in the final Office Action, which will severely prejudice the Applicants if corrective relief is not promptly granted.


In view of the procedural disadvantages that occur when an amendment is filed more than 2 months after the filing date of a final Office Action (see MPEP 714.13(I)), it is requested that the attached Petition be accorded the filing date of April 11, 2008 for the purpose of docketing it for decision in accordance with MPEP 714.13(V). The Applicant promptly filed the attached Petition and should not be further punished with a delayed decision due to the PTO's failure to timely enter it into their computer system. Furthermore, the Applicant should not be left in limbo concerning whether the Director will grant or deny this Petition, because the Director's ruling is expected to fundamentally affect the most appropriate course of subsequent action.

In accordance with 37 CFR 1.8(b)(3), a statement of Ms. Diane L. Stout is also filed herewith to establish that the attached Petition was faxed to the PTO on April 11, 2008. This statement also includes a copy of the sending unit's report confirming transmission of the above-noted Petition.

For all the foregoing reasons, it is hereby respectfully requested to:

1. Accord the filing date of April 11, 2008 to the above-noted, attached Petition,
2. Issue a decision on this Petition in accordance with the expedited procedures mentioned in MPEP 714.13(V), and
3. Grant any other relief the Director deems appropriate in view of the present circumstances.

Respectfully submitted,



Mark A. Ussai
Reg. No. 42,195

File No. 016382-9015

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USPTO

4/11/2008 4:07:48 PM PAGE 1/001 Fax Server

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Apr 11 2008 4:01PM MICHAEL BEST AND FRIEDRIC 215-822-9140 p.1	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Group Art Unit 3612	
In re Patent Application of Winfried Bernmann et al.	I, Please L. Best, hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Pat. No. 571-873-4300) on the date of my signature.
Application No. 10/580,282	<i>Michael Best</i> Agent
Confirmation No.: 4389	4/11/08 Date of Filing
Filed: May 23, 2006	
Examiner: Patel, Kiran B	
VEHICLE ROOF STRUCTURE FOR MOTOR VEHICLE	
Petition Under 37 CFR 1.181 for Withdrawal of Priority of the Office Action dated March 21, 2008 and for other necessary action	
PETITION TO BE DECIDED BY DIRECTOR OF TECHNOLOGY CENTER 1616	
EXPEDITED PROCESSING REQUESTED AFTER FINAL OFFICE ACTION	
Box A7 Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
Sir:	
In the first Office Action dated March 21, 2008, the Examiner finally rejected the application, while introducing several new grounds for rejection in Sections 1-4 of the Office Action.	
None of the new grounds for rejection made in Sections 1-4 could possibly have been necessitated by amendments to the claims, because no amendments of the claims have been made since the preliminary amendment, which was filed on May 23, 2006, i.e. before the first Office Action on the merits (mailing date: August 15, 2007).	
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